

# North Yorkshire Council

## EXECUTIVE

21 October 2025

### Proposed Changes to the Constitution

#### Report of the Assistant Chief Executive Legal and Democratic Services

##### 1.0 **PURPOSE OF REPORT**

1.1 To present to the Executive, for reporting back to full Council for information, amendments to the Constitution made by the Assistant Chief Executive Legal and Democratic Services under his delegated powers.

1.2 To present to the Executive, for recommendation to full Council for approval, proposed amendments to the Constitution.

##### 2.0 **BACKGROUND**

2.1 The Constitution is maintained by the Assistant Chief Executive Legal and Democratic Services and kept under review on an ongoing basis. Proposed changes to the Constitution are considered by the Members' Working Group on the Constitution and the Executive and ultimately approved by full Council. Reports to Executive are also previously circulated to Management Board.

2.2 Under Article 15.02(c) of the Constitution, the Assistant Chief Executive Legal and Democratic Services has delegated power to amend the Constitution:

- (i) to correct administrative issues such as cross-references, title changes, typographical errors and formatting;
- (ii) to ensure that the Constitution and the Council's procedures meet all legal requirements;
- (iii) to reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action; and
- (iv) consequentially, to give effect to changes explicitly approved by the full Council;

and any such amendments as set out in sub-paragraph (c)(ii) above shall be reported to the next meeting of the full Council. In practice, all amendments to the Constitution made by the Assistant Chief Executive Legal and Democratic Services under their delegated powers is reported back to full Council.

##### 3.0 **AMENDMENTS TO THE CONSTITUTION**

3.1 Part B of the amendments chart at **Appendix 1** sets out amendments for information which have been undertaken by the Assistant Chief Executive Legal and Democratic Services under his delegated powers in Article 15.02(c) of the Constitution. The Assistant Chief Executive Legal and Democratic Services has recently used his delegated powers to amend the Constitution to:

- a) Update the terms of appointment of the Audit Committee Independent Members;
- b) Correct the name of a member of the Health and Wellbeing Board;
- c) Correct the name of the Care and Independence Overview and Scrutiny Committee in two places in the Council Procedure Rules;
- d) correct other minor typographical/administrative/formatting errors.

3.2 Subject to any comments Members may have, the Executive is asked to note the amendments to the Constitution set out in Part B of **Appendix 1** to this report, made by the Assistant Chief Executive Legal and Democratic Services under his delegated powers, for reporting back to full Council for information.

#### 4.0 **COUNCIL'S PETITION SCHEMES**

4.1 The general Council's petitions scheme is published on the Council's website - [Petitions | North Yorkshire Council](#). It is not currently published in the Constitution.

4.2 The Members' Working Group on the Constitution has reviewed the petitions scheme and certain proposed amendments are set out by way of tracked changes on a Word version of the scheme copied from the website, at **Appendix 2**, for consideration and approval by the Executive.

4.3 The review of the scheme has been informed by the legal requirements regarding local authority petitions schemes, what other local authorities do, what types of petitions the Council receives and how they have been dealt with over time.

#### **Proposed amendments**

4.4 The amendments proposed aim to:

- a) reduce repetition within, and simplify and consolidate the scheme;
- b) clarify the scope of the scheme and what it will not apply to, including:
  - i. matters for which the Council has no responsibility;
  - ii. matters which do not affect the Council's area;
  - iii. planning and licensing applications and other matters where there is already an existing recourse to a review or right of appeal;
  - iv. matters subject to public consultation by the Council – petitions relating to such matters will be treated as a consultation response;
  - v. matters subject to prescribed statutory requirements;
  - vi. confidential staffing matters;
  - vii. the same or similar subject as one that the Council has received and dealt with in the previous 6 months;
- c) clarify that requests for reviews of how a petition has been dealt with are treated as corporate complaints;

4.5 Subject to any comments Members may have, it is recommended that the proposed amendments to the general Council's petitions scheme as set out in **Appendix 2** be approved by the Executive.

#### **Parking restrictions petitions**

4.6 Petitions regarding parking restrictions in place for a specified area are covered by a separate parking petitions scheme, in line with the relevant statutory requirements

and national guidance. The parking restrictions petitions scheme is published on the Council's website - [Parking petitions scheme | North Yorkshire Council](#).

4.7 The opportunity has also been taken to review the parking restrictions' petitions scheme and proposed minor amendments to update terminology, a legislative reference and reference to a data protection privacy notice are set out in **Appendix 3** to this report.

4.8 The statutory guidance states that all parking petitions which are accepted should undergo a formal review and the decision on the authority's response should be made by councillors in a publicly accessible forum, where the petitioner has the opportunity to witness the discussion and defend their challenge if necessary. It states that the decision should not be delegated to officers or a single executive member. Under the Council's current scheme, petitions are considered by Executive. This has been operating for a number of years but the number of parking petitions has increased recently and it was considered to be an issue for specific locations and not a matter for the Executive to consider as a whole. The Members' Working Group on the Constitution considered the issue and is proposing that parking petitions should be considered by the Executive Member for Highways and Transportation in consultation with the local Member to ensure they are dealt with in the most expeditious manner. Should Members be minded to approve this amendment to the Scheme, a decision would also be required by the Leader to delegate the authority to approve the authority's response to parking petitions to the Executive Member for Highways and Transportation in consultation with the local Member and a consequential amendment to the Executive Members' Delegation Scheme as set out in **Appendix 3A** would need to be recommended to be made to full Council. The Constitution Working Group had regard to the statutory guidance but considered that it would be appropriate to delegate the matter to an individual Executive Member as long as the relevant local Member was also consulted. Therefore they consciously considered that it would be appropriate to deviate from the guidance on this occasion given the very localised issues that arise from parking petitions and that this proposal will still allow the relevant political oversight.

4.9 Subject to any comments Members may have, it is therefore recommended that:

- a) the proposed amendments to the general Council's petitions scheme be approved by the Executive.
- b) the Leader delegates to the Executive Member for Highways and Transportation, in consultation with the local Member, the power to make decisions on the Council's response to petitions under the Council's Parking Petitions Scheme and the consequential amendments to the Executive Members' Delegation Scheme as set out at **Appendix 3A** be recommended to full Council for inclusion in the Constitution; and
- c) the parking restrictions' petitions scheme as set out in **Appendix 3** be approved by the Executive.

## 5.0 **COUNCIL MOTIONS**

### **Inclusion of key implications**

5.1 The Members' Working Group on the Constitution received a proposal from the Executive that all motions on notice at full Council should include consideration of the key implications of:

- Financial implications

- Legal implications
- Equalities and diversity implications
- Climate change implications

5.2 The Working Group has considered this proposal and suggests the proposed amendment to the Council Procedure Rules set out by way of tracked changes in **Appendix 4**.

5.3 Subject to any comments Members may have, it is recommended that the proposed amendments to the Council Procedure Rules regarding inclusion of key implications, as set out by way of tracked changes in **Appendix 4**, be recommended to full Council for approval.

#### **Clarification of deadline re submission of Motions on Notice for Full Council**

5.4 A proposal has been received that the Constitution be amended to clarify the deadline for the submission of Motions on Notice for Full Council.

5.5 Council Procedure Rule 11.1 currently states that:

“... A notice of motion received after midnight on the ninth day before a meeting of the Council shall not be specified in the summons for that meeting.”

It has been proposed that this definition be amended to clarify whether the reference to midnight means:

- a) midnight at the end of day 10 concluding and going into day 9; or
- b) midnight of the end of day 9 concluding and going into day 8.

5.6 As a matter of convention, CPR 11.1 has always been interpreted and applied to mean 9 **clear** days' notice ie interpretation (a) above. Conventions are integral to the interpretation and application of procedural rules in local government. However CPR 11.1 does not make reference to clear days, as it does in some other parts of the Constitution and as is applied in practice in accordance with the convention.

5.7 It is therefore proposed that Council Procedure Rule 11.1 be amended to clarify that the applicable timescale is 9 clear days' notice, as set out by way of tracked changes in **Appendix 4**.

5.8 It is also suggested that all references in the Constitution to days' notice be amended to clear days for clarification. The opportunity has also been taken to include references to clear “calendar” or “working” days, in accordance with legislation, national guidance and local convention for utmost clarity. A schedule of required changes in this respect is attached at **Appendix 4A** for Members' consideration.

5.9 Subject to any comments Members may have, it is recommended that the proposed clarification amendments to the Council Procedure Rules set out by way of tracked changes in **Appendices 4 and 4A** be recommended to full Council for approval. .

#### **Clarification of timing of reserve date of February full Council meeting**

5.10 The Members' Working Group has considered a proposal from Councillor Jabbour that the Constitution be amended to clarify the timing of the reserve date of the February full Council meeting.

5.11 Council Procedure Rule 2.1 currently states:

## 2. ORDINARY MEETINGS

### 2.1 Timing of Meetings

Ordinary meetings of the full Council shall be held in every year as follows:

(a) on the third Wednesday in February; this meeting is dedicated to the consideration of the Council's Budget and the Council Plan ("the Budget and Council Plan meeting");

(b) on a Wednesday in March or April;

(c) the penultimate Wednesday in July;

(d) the second Wednesday in November;

(e) or on such other dates as the Council shall determine.

The third Friday in February shall be reserved in the diary, each year, for a further Budget and Council Plan meeting, if necessary, to deal with business left outstanding from the meeting held the previous week.

Provisions regarding the Annual meeting of full Council are set out in Council Procedure Rule 1 and provisions regarding Extraordinary meetings are set out in Council Procedure Rule 3.

- 5.12 It has been suggested that if 1 February falls on a Thursday or a Friday in a particular year, the reserve day, according to the current provisions, would be the Friday before the Budget and Council Plan meeting. The following amendment to Council Procedure Rule 2.1 has therefore been proposed:

*"The Friday that falls two days after the Budget and Council Plan meeting shall be reserved in the diary, each year, for a further Budget and Council Plan meeting, if necessary, to deal with business left outstanding from the meeting held earlier in the week."*

- 5.13 Subject to any comments Members may have, it is recommended that the suggested amendments to the Council Procedure Rules set out by way of tracked changes in **Appendix 5**, which also take into account other proposed changes to the Rules as referred to in this report, be recommended to full Council for approval.

## 6.0 **MANAGEMENT AND CLARIFICATION OF POINTS OF ORDER**

- 6.1 The Members' Working Group has had discussions regarding, and requested clarification from the Assistant Chief Executive Legal and Democratic Services regarding, Points of Order as their use was becoming more frequent at Council meetings particularly where a Member had been named. It was agreed that it was important that Members had a right to reply when something untrue or defamatory was said, in order to correct matters, but not a general right to speak through mention of their name.

- 6.2 Points of Order should be raised to address a perceived breach of the Council's standing orders (the Council Procedure Rules) or other procedural irregularity. A personal explanation can be used when something which was said might have been misunderstood. Allowing a Member to speak on this is at the Chair's discretion.

- 6.3 The current provision in the Constitution regarding Points of Order and personal explanations is in Council Procedure Rule 13 which currently states:-

### 13. RULES OF DEBATE

...

(g) A Member shall direct their speech to

- ◆ the motion or question under discussion, or
- ◆ an amendment, or
- ◆ a point of order or
- ◆ a personal explanation.

A Member rising to a point of order or in personal explanation is entitled to be heard forthwith, but a point of order must specify the Council Procedure Rule to which it relates and a personal explanation must be confined to some material part of a speech by them which may have been misunderstood.

- 6.4 The Working Group felt some additional clarification would be helpful and certain proposed amendments to Council Procedure Rule 13 are set out in **Appendix 5**. A Protocol will be developed to guide the Chair in exercising this discretion.

- 6.5 Subject to any comments Members may have, it is recommended that the suggested amendments to Council Procedure Rule 13 set out by way of tracked changes in **Appendix 5**, which also take into account other proposed changes to the Rules as referred to in this report, be recommended to full Council for approval.

## 7.0 **MOVEMENT OF COUNCIL PLAN AGENDA ITEM TO LATER COUNCIL MEETING**

- 7.1 The Members' Working Group has had discussions regarding the practicalities of the Council Plan being considered at the February Council meeting and recognised that the draft Plan before Members at the time was not complete as some KPIs and equality information was not able to be included. As consideration of the Plan took place immediately following agreement of the Budget some financial details were also not included.

- 7.2 Whilst the Working Group acknowledged that legislation allowed for some elements of the Council Plan to be delegated to officers to complete, particularly those which could be considered as administrative, the Group recommends that consideration be given to the Council Plan being considered at a subsequent Council meeting (the Annual meeting) following agreement of the Budget, to enable all parts to be completed. Proposed amendments to this effect to the Council Procedure Rules are set out by way of tracked changes in **Appendix 5**.

- 7.3 Subject to any comments Members may have, it is recommended that the suggested amendments to the Council Procedure Rules set out by way of tracked changes in **Appendix 5** be recommended to full Council for approval.

## 8.0 **CLARIFICATION OF PROCESS FOR CALLING COUNCIL EGM**

- 8.1 The Members' Working Group has considered the process for a Councillor to call an extraordinary meeting of full Council.

- 8.2 Council Procedure Rule 3.1 currently states:

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings**

Those listed below may request the Assistant Chief Executive Legal and Democratic Services to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Chair of the Council;
- (c) the Monitoring Officer or the Chief Finance Officer; and
- (d) any five members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;

and any such request shall specify one or more items of business to be transacted at the meeting.

8.3 A proposed clarification amendment to Council Procedure Rule 3.1(d), to refer to seven “clear calendar” days, is included in **Appendix 5**.

8.4 The Constitution currently reflects the legal provisions. Under the Local Government Act 1972, the statutory requirement is that any five councillors who sign a requisition may call an extraordinary meeting when the Chair has been requisitioned and refuses or fails to call a meeting within seven days.

8.5 A draft Protocol to support Members wishing to call an extraordinary meeting of full Council is attached at **Appendix 6**. It is not proposed that this should form part of the Constitution.

8.6 Subject to any comments Members may have, it is recommended that the draft Protocol attached at **Appendix 6** be recommended to full Council for approval (not to form part of the Constitution).

#### 9.0 **PROTOCOL ON AUDIO/VISUAL RECORDING AND PHOTOGRAPHY AT MEETINGS**

9.1 The opportunity has been taken to review the Protocol on Audio/Visual Recording and Photography at Meetings in Part 5 of the Constitution. Certain proposed amendments are set out by way of tracked changes in **Appendix 7**, primarily updating amendments to include references to the Council recording and broadcasting committee meetings (and not just members of the public recording Council meetings).

9.2 Subject to any comments Members may have, it is recommended that the proposed amendments to the Protocol on Audio/Visual Recording and Photography at Meetings set out in **Appendix 7** be recommended to full Council for approval.

#### 10.0 **MINISTERIAL MANAGEMENT CODE – PAYMENT OF OFFICERS’ LEGAL COSTS**

10.1 The Civil Service Management Code ([CSMC November 2016.docx](#)) is issued under the authority of Part 1 of the Constitutional Reform and Governance Act 2010 under which the Minister for the Civil Service has the power to make regulations and give instructions for the management of the Civil Service, including the power to prescribe the conditions of service of civil servants.

10.2 The Code explains how civil servants may be involved in legal proceedings or formal inquiries as a consequence of their employment and how departments and agencies

have discretion to grant such civil servants some or all of their legal representation or pay for some or all of their legal costs.

10.3 Section 12.2 of the Code refers to appeals and legal representation at public expense and an extract of section 12.2 is attached at **Appendix 8** for Members' information and reference.

10.4 Proposed amendments to the Constitution are recommended, to make similar provision for reimbursing or paying officers' legal fees and costs when they are involved in legal proceedings arising through the course of their employment. Specifically, amendments are proposed to Article 14 (Finance, Contracts and Legal Matters) and the specific delegations to the Assistant Chief Executive Officer Legal and Democratic Services in the Officers' Delegations Scheme, by way of tracked changes as set out in **Appendix 9**.

10.5 Subject to any comments Members may have, it is recommended that the proposed amendments to Article 14 and the Officers' Delegation Scheme as set out in **Appendix 9** be recommended to full Council for approval.

#### 11.0 **PROCUREMENT AND CONTRACT PROCEDURE RULES – ANNUAL REVIEW**

11.1 Officers have undertaken a review of the Procurement and Contract Procedure Rules (PCPR) and are proposing various amendments as set out by way of tracked changes in **Appendix 10**. The rationale for substantive changes is set out in **Appendix 11**. The tracked changes also include administrative amendments to correct cross-references.

11.2 As per the National Procurement Policy Statement (NPPS) published on 13<sup>th</sup> February 2025, one of the recognised priorities is driving economic growth:

***“Priority: Contracting authorities should drive economic growth and strengthen supply chains by giving SMEs and VCSEs a fair chance at public contracts, creating high quality jobs and championing innovation.***

*Small businesses and social enterprises are more likely to generate diverse and thriving local economies, creating jobs and economic growth. Increasing procurement spend with these suppliers is a national priority to drive economic growth. This Government wants to maximise every opportunity for these suppliers by opening up competition in public contracts and removing the barriers to participation they face, as set out in section 12(4) of the Act.*

*Contracting authorities should:*

*1. Maximise procurement spend with small and medium-sized enterprises (SMEs) and voluntary, community and social enterprises (VCSEs).”*

11.3 In order to recognise this priority and help the Council drive its ambitions to support local businesses, the PCPRs have been updated to include an additional exemption to the bid process at Section 7.12 (k). A contract can now be awarded without following a bid process where there is evidence of added value through supporting an organisation in the local economy (e.g. an SME or VCSE organisation).

11.4 Amendments have been made to the PCPRs to address the changes in the financial thresholds that were introduced with the implementation of the Procurement Act 2023. The financial thresholds are updated biennially, the next update is due to take place on January 2026, therefore the PCPRs will require a further update once the updated figures are released.

- 11.5 Section 4 Table 1 has been updated to acknowledge that Contracts up to £1,000,000 may need to be sealed where applicable. The sealing of contracts allows for a 12-year liability period whereas a signed contract only allows for a 6-year liability period.
- 11.6 The reference to Variant Tenders (Section 8.5) has been removed as variant tenders are not routinely used. In the event that a variant tender process is used in the future the relevant governance is in place to ensure risk is minimised.
- 11.7 Section 8.12 has been adjusted to reflect the change to the tender evaluation process which is now only one stage rather than two. This has been done for the following reasons:
- Operational Efficiency: The removal of the individual evaluation requirement is anticipated to streamline the procurement process for the evaluators and ensuring sufficient time as been given by all to review the submissions.
  - Consistency and Objectivity: Adopting a consensus only evaluation approach is expected to enhance the consistency and objectivity of assessments.
- 11.8 A Gateway 4a report is no longer required to seek approval to novate a contract therefore this has been removed from Section 9 (Table 3), Section 12 (Table 4) and Section 12 (Table 5). It is not practical to submit a report for every contract novation due to the number of contracts and the resource required. This process has been amended in consultation with Legal services.
- 11.9 All grant agreements should be awarded through a competitive grants process. A direct award process can be used for grant agreements up to and including £100,000 where there is sufficient justification to do so. The wording at Section 15.2 has been amended to reflect this change. The requirement for a Gateway Report for awards of Grants over Threshold (or £1M for works) has been removed (Section 15.4 and Section 16) as the procurement thresholds are not applicable to grants; a Competitive Grant Form is still mandatory to capture the outcome of the process as a centralised record. There is no longer a requirement to notify the Procurement and Contract Management Service of upcoming grant agreements as the Competitive Grant Form that is submitted captures the necessary information. As a result, the last sentence of Section 5.29 has been removed.
- 11.10 Subject to any comments Members may have, it is recommended that the proposed amendments to the Procurement and Contract Procedure Rules as set out in **Appendix 10** be recommended to full Council for approval.

## 12.0 **FINANCIAL IMPLICATIONS**

12.1 There are no significant financial implications arising from this report.

## 13.0 **LEGAL IMPLICATIONS**

13.1 The legal implications are set out in the body of this report.

## 14.0 **ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS**

14.1 There are no significant environmental or climate change implications arising from this report.

14.2 A Climate Change Impact Assessment Screening Form is attached at **Appendix 12**.

## 15.0 **EQUALITIES IMPLICATIONS**

- 15.1 There are no significant equalities implications arising from this report.
- 15.2 An Equality Impact Assessment Screening Form is attached at **Appendix 13**.
- 16.0 **CONSULTATION**
- 16.1 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its Appendices.
- 16.2 This report also incorporates the views of the Members' Working Group on the Constitution as expressed at the Group's meeting on 15 September 2025.
- 17.0 **REASONS FOR RECOMMENDATIONS**
- 17.1 For the reasons set out in the body of this report and in the Appendices, it is recommended that, subject to any comments Members may have, the matters raised in this report be considered and the recommendations and proposed changes to the Constitution set out below be agreed and/or recommended to full Council for information and/or approval as indicated.

18.0 **RECOMMENDATIONS**

18.1 That, subject to any comments Members may have:

- (a) Members note the amendments to the Constitution set out in **Part B of Appendix 1** to this report, made by the Assistant Chief Executive Legal and Democratic Services under his delegated powers, for reporting back to full Council for information;
- (b) The proposed amendments to the petitions scheme set out at **Appendix 2** be approved by the Executive;
- (c) The Leader delegates to the Executive Member for Highways and Transportation in consultation with the local Member, the power to make decisions on the Council's response to petitions under the Council's Parking Petitions Scheme and the consequential amendments to the Executive Members' Delegation Scheme as set out at **Appendix 3A** be recommended to full Council for inclusion in the Constitution;
- (d) The proposed amendments to the parking restrictions petitions scheme set out at **Appendix 3** be approved by the Executive;
- (e) The proposed amendments to Council Procedure Rule 11 as set out in **Appendix 4** be recommended to full Council for approval;
- (f) The schedule of proposed amendments to the Constitution to clarify notice requirements as set out in **Appendix 4A** be recommended to full Council for approval;
- (g) The proposed amendments to the Council Procedure Rules as set out in **Appendix 5** be recommended to full Council for approval;
- (h) The draft Protocol re calling an extraordinary meeting attached at **Appendix 6** be recommended to full Council for approval (not to form part of the Constitution);

- (i) The proposed amendments to the Protocol on Audio/Visual Recording and Photography at Meetings attached at **Appendix 7** be recommended to full Council for approval;
- (j) The proposed amendments to Article 14 and the Officers' Delegation Scheme as set out in **Appendix 9** be recommended to full Council for approval;
- (k) The proposed amendments to the Procurement and Contract Procedure Rules set out at **Appendix 10** be recommended to full Council for approval.

BARRY KHAN  
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County Hall  
NORTHALLERTON

10 October 2025

Background Documents:

The Council's Constitution  
The Local Government 2000 as amended

Appendices

1. Proposed Amendments Chart
2. Proposed amendments to the Council's petitions scheme
- 3A. Consequential amendments to the Executive Members' Delegation Scheme
3. Proposed amendments to the Council's parking restrictions petitions scheme
4. Proposed amendments to Council Procedure Rule 11
- 4A. Proposed amendments to whole Constitution re notice requirements
5. Further proposed amendments to Council Procedure Rules
6. Draft Protocol re the calling of an extraordinary meeting by Members
7. Proposed amendments to Protocol on Audio/Visual Recording and Photography at Meetings
8. Extract from Ministerial Management Code
9. Proposed amendments to Article 14 and the Officers' Delegation Scheme
10. Proposed amendments to the Procurement and Contract Procedure Rules
11. Rationale for the proposed amendments to the Procurement and Contract Procedure Rules
12. Climate Change Impact Assessment Screening Form
13. Equality Impact Assessment Screening Form